

A decorative graphic consisting of a grid of dots in various shades of gray and red, arranged in a pattern that suggests a world map or a network of connections.

A Question of Social Justice

A Social Minimum for Protection and Inclusion?

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- This paper argues firstly that markets without strong social institutions to mitigate the worst effects of financial and environmental (droughts, floods) or epidemiological (HIV/AIDS) shocks not only make recovery difficult but also widen and deepen poverty.
- Secondly, given the social and economic contexts of countries in Africa economic growth alone will not address structurally based inequities and underdevelopment.
- Third, an approach is required that does not privilege economic growth above human development and social justice, but rather ensures that economic growth strategies work together with strategies for human development and social equity.
- Fourth, the paper also explores the extent to which countries in Southern Africa can combine interventions to mitigate the impacts of market failures and address structural poverty and inequality through a social justice framework that provides a social minimum.



Table of Content

Introduction: Social Justice and Social Protection 2

Contextual Realities 4

Some Demographic Trends. 4

A Policy Agenda that Advances Social Justice 6

Conclusion: A Socially Acceptable Minimum to Generate Sustained Development . . . 9

References 10

Introduction: Social Justice and Social Protection

The global financial crises of the late 1990s and the recent financial crash in the USA and Europe almost a decade later foreground policy debates on the measures required to counter the devastating social and economic impacts of market failures. There is increasing recognition that markets without strong social institutions to mitigate the worst effects of financial and other shocks not only make recovery difficult but also widen and deepen poverty. Moreover, there is widening acceptance that economic growth alone will not address structurally based inequities and underdevelopment. A heterodox approach is required; an approach that does not privilege economic growth above human development and equity, but rather ensures that economic growth strategies work together with strategies for human development and social equity. Evidence demonstrates that a policy approach responding to both economic growth and human development is able to overcome structural causes of poverty and inequality and to sustain development in the long term.

Sudden economic downturns and risks affect all sectors of a society. However, risks and vulnerabilities to economic downturns, environmental disasters, and epidemiological crises (such as HIV/AIDS) are not evenly distributed. There are indicators which show that when markets fail, it is those living in chronic poverty, those just above the poverty line, as well as those in the middle, who are most vulnerable and who experience the worst impacts. Countries that have introduced components of a social minimum or a social floor below which no one should fall have been better able to withstand market failures and other risks. To what extent can countries in Southern Africa combine interventions to mitigate the impacts of market failures and to address structural poverty and inequality? The answer to this question must include the extent to which these countries choose a deliberative policy agenda to advance social protection within the framework of social justice and one that includes the establishment of a social minimum.

Many factors or influences inform policy debates on the essential interventions countries require to mitigate risks, provide support to people in chronic poverty, and also prevent others from falling into poverty. Among these factors are the initial conditions in each country, the level of development, demographic and social and economic

trends, and the systems of governance that enable the widest possible participation in the institutions of society. The linkages among these factors are multidimensional and complex. Ineffective or weak and corrupt systems of governance within the public and private sectors can undermine inclusive social and economic development. They can obstruct the elimination of poverty and reduction of inequality and push social justice off the development agenda. Despite these complex factors there is increasing consensus in Africa that advancing an agenda to promote social protection can also link with an agenda for achieving human rights and social justice.

The key players promoting the need to fashion alternatives to safeguard human and workers' rights against the risks and failures of current global and national economic development processes are institutions such as the United Nations System, the International Labour Organisation (ILO), and in Africa, the African Union (AU). The ILO Social Security Convention No.102 (1952) identifies important aspects of social security, which include the following benefits: (1) unemployment, (2) employment injury, (3) old age, (4) maternity, (5) family, (6) survivors', (7) sickness, and (8) medical. The ILO (2005) argues that social protection or social security should be understood as a set of institutions, measures, rights, obligations, and transfers whose primary goal is:

- to guarantee access to health and social services; and
- to provide income security to help people cope with important risks at various stages of their life cycle (*inter alia*, loss of income due to invalidity, old age, or unemployment) and prevent or alleviate poverty.

Social security includes contributory benefits and non-contributory benefits. Contributory benefits include insurance for health, retirement, and other contingencies by both employees and employers through a social contract. Non-contributory benefits are funded by governments and include social transfers in the form of cash, education, health care, food, and other essential social services. Social security and social protection are terms that are often used interchangeably. However, social protection differs from social security in that it has wider application and can include developmental strategies such as active labour market strategies for training, retraining, and ensuring that people are able to access economic opportunities.

A move to expand social protection in Africa in recent years comes out of initiatives led by both the ILO and the AU. The ILO has, over the years, adopted a number of conventions and recommendations on social security or social protection to address specific needs. Recent initiatives go beyond the promotion of labour standards for workers to the focus on what is required for whole populations to realise social security as a universal human right.

The Constitutive Act of the African Union—adopted on 11.7.2000 in Lomé, Togo—also sets out and continues to reinforce the need to promote a common agenda to address issues affecting the people of the continent. At the first African Union Conference of Ministers in Charge of Social Development—held in Windhoek, Namibia from 27–31.10.2008—a Social Policy Framework for Africa (SPF) was adopted. While noting that levels of investment in and access to social protection are still low in Africa, this framework promotes the gradual building of social protection and social security that should be:

«... based on comprehensive longer-term national social protection action plans. Measures will include: extending existing social insurance schemes (with subsidies for those unable to contribute); building up community based or occupation based insurance schemes on a voluntary basis, social welfare services, employment guarantee schemes and introducing and extending public-financed, non-contributory cash transfers» (African Union, 2008 www.africanunion.org).

This social policy framework provides a comprehensive approach than typical social security measures. It encourages countries to choose the coverage and combination of tools most appropriate to their circumstances. It notes, however, the emerging consensus

«... that a minimum package of essential social protection should cover: essential health care, and benefits for children, informal workers, the unemployed, older persons, and persons with disabilities. This minimum package provides the platform for broadening and extending social protection as more fiscal space is created» (African Union, 2008, www.africaunion.org).

The need for a comprehensive approach to work and rights is clearly reflected in the Universal Declaration on Human Rights, and continues to be the subject of

ongoing studies.¹ The promotion of »opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security, and human dignity« is a critical building block of the approach to social protection by both the ILO and the AU (ILO 1999). It could be argued that the goal to include »all workers« irrespective of their sectors—whether they are waged or unwaged, male or female, unregulated, self-regulated or home-workers—fits well within a social justice framework.

Questioning what constitutes social justice in contemporary societies is important. Even more important is the need to focus on how people perceive issues of social justice and injustice; this is particularly the case for those living in absolute destitution and unable to make choices. Achieving or advancing the concept of social justice is especially difficult in a dynamic global and regional context shaped by national and international forces. Yet, this is precisely what must be done if policy makers are to introduce interventions that can make a significant difference to the lives of people who are excluded from the benefits of development. As noted, there is increased impetus for countries to review existing economic and social systems so that the inequities reproduced through these systems can be addressed and social justice advanced.

At a theoretical level, the debates on social justice and how to achieve both individual and aggregate levels of well-being for everyone are informed by certain perspectives. Perspectives that strongly influence contemporary debates for example, include the value of a utilitarian approach (John Stuart Mills) to social justice, a libertarian approach (John Rawls), and the emphasis on a set of capabilities (Amartya Sen) that promotes individual and aggregate well-being (Mills 1863; Rawls 1971; Sen 1993). The capability approach moved issues of social justice beyond the questions of what people need, to what people are able to do and to be, and how people are able to make choices to exercise their freedoms. No doubt these philosophical approaches will continue to inform our understanding of issues related to social justice. However, the central question is how have such perspectives been translated into practical policy outcomes

1. See for instance: Sen, Amartya: Work and rights, in *International Labour Review* (Geneva, ILO), Vol. 139, No. 2, pp. 119–128; Standing, G. (2002): *Beyond the new paternalism: Basic security as equality*. London: Verso/ILO.

for the millions of poverty-stricken people who remain excluded from the benefits of society. Philosophical debates on the quality of human life and issues related to measures of quality of life have not had much impact on the making of public policy in much of the world (Nussbaum and Sen, 1993: 2).

In this article, I argue that our contemporary contexts provide a renewed urgency to translate issues of social justice into policy outcomes that matter for people whose daily lives are characterised by poverty and multiple deprivations. Clearly, what constitutes social justice and how to advance social justice within a global and regional context of huge inequalities remains a complex problem. Undoubtedly, social justice matters but who decides what is socially just, under what conditions, and how social justice can be achieved are issues that foreground measures designed to eliminate poverty, reduce inequality, and advance social equity.

The challenges of contemporary society demand an approach to social justice that anchors ethical and moral arguments about people's everyday lives—or in other words, on quality of life concerns. Systems that do not promote human flourishing and that are unjust and repressive require more than a theoretical and philosophical debate (Nussbaum, 1993). They demand a focus on contextual realities, on practical evaluative aspects of people's lives (what people are capable of doing and the space within which they are able to make choices), as well as an understanding of how theoretical and philosophical assumptions influence these realities.

As a point of departure, I focus on how social protection interventions could be used in the region to provide important policy spaces that could embed an agenda to achieve social justice. Central to a social justice approach in contemporary policy discourses on poverty and inequality is the concept of social protection. It is important to understand the issues that determine why social protection is appropriate, the different approaches to social protection, and the values, principles and functions of social protection that are consistent with a social justice and human rights approach.

Contextual Realities

As a region with a particular history, I extend the debate on social justice beyond the theoretical level by focusing on Africa's context, as well as some policy, analytical, conceptual, institutional, and programmatic attempts to respond to poverty and inequality. The continent of Africa, especially Southern African, has been characterised by significant political and economic changes. These changes are most evident in the political realm, with some countries in the region moving towards democratic governance processes and others experiencing internal conflicts.

Political changes and transitions have been inscribed in the language of liberation and social justice. The political, moral, and ethical imperatives for change and democracy from colonialism, neo-colonialism, and recent postmodern forms were underwritten by struggles for social justice to remove people from poverty and deprivation. Yet for many people in Africa, the promise of political liberation has not resulted in economic and social justice. Complex factors—internal and external to the region—contribute to persistent economic and social crises and determine national and regional responses to social protection and development in the region.

Against the backdrop of some troubling demographic trends, the issues of poverty and inequality emerge as major challenges within which an agenda for social protection based on social justice must be advanced.

Some Demographic Trends

Southern Africa's demographic features are critical to advancing a policy agenda that addresses poverty and inequality to advance social justice. The region has a growing population with estimates of over 140 million and a total fertility rate between the period 2000 to 2005 averaging around five, estimated to be the highest of any region in the world (PRB 2010).

Alongside such high fertility rates, the region has exceedingly high child and maternal mortality rates, large rural populations, high incidences of illiteracy, lagging women's rights, and particularly low agricultural productivity resulting in low market values of women's time (Sachs 2008).

The population distribution according to age reflects a significant »youth bulge«, with related problems of skills and jobs deficits emphasising the need to integrate both active and passive labour market strategies with direct measures of social protection. Approximately 41 per cent of the total population are between 0–15 years old, highlighting the need for social protection measures that are sensitive to the developmental needs of children and to the vulnerabilities such a large part of the population faces. By comparison, the major economically active component of the regions' population, those from 15–64 years of age, numbers a little over half of the total (56.4 per cent).

Life expectancy at birth is an important indicator of countries' human development as well as their ability to sustain economic growth. Countries such as Botswana, Lesotho, Malawi, Swaziland, Zambia, and Zimbabwe reflect alarmingly low indicators of life expectancy—ranging from 41 to 61 years. Other countries in Southern African also have disturbingly low life expectancy. The impact of HIV and AIDS and other preventable infectious diseases account for such low life expectancy in these countries. Under-five mortality rates of the poorest one-fifth of the population are exceptionally high. Inadequate early childhood nutrition is a factor as well as lack of access to health care. Together, these factors contribute to long-term health and education problems, leading in turn to lower productivity through poorer health and higher absenteeism in the workplace.

Despite the increasing enrolments of girls, schools attendance is quite low in some instances. Little or no access to formal public health systems, reproductive health, or social safety nets make the challenges more complex (Sachs 2008: 191–192). Access to primary and secondary schooling, as well as skill and vocational training, continue to be barriers to the development of children, especially that of girls. As such, these factors remain obstacles to poverty reduction for girls and women and reinforce gender inequities. The World Bank estimates that for each additional year of schooling, a woman's income increases by 10 to 20 per cent, agricultural productivity increases by 10 per cent, infant mortality drops by 10 per cent, and the return on investment in deferred health care expenses is 25 per cent (Summers 1992). Promoting access to schooling and keeping children—especially girls—in school is good for human development, economic growth, and labour productivity.

Making it possible for girls to attend school is also vital to their social empowerment and contributes to reductions in gender imbalances.

In Southern Africa, where the proportion of the labour force in full-time employment is low, income poverty affects close to 40 per cent of the population. Open unemployment in most countries is viewed typically as an urban phenomenon concentrated in population categories such as school-leavers. At precisely the time when large numbers of young people are entering the labour market, economies are growing slowly or even contracting. Where jobs are being created, these require a set of skills and experience not readily available in the region's labour market (Taylor, 2004).

The employment situation in the region is further aggravated by cutbacks in public-sector employment as a result of economic stabilisation and longer-term restructuring efforts (sometimes termed economic structural adjustment programmes). This leaves the vast majority of workers in the region seeking employment in the many different activities that make up the informal economy. Wage disparities—and more generally income disparities, already very large between the formal and informal sectors—have dramatically increased. Income inequalities also reflect inequalities in land ownership, assets, and access to education and health care (Taylor, 2004).

By any measure, poverty and inequality in the region are major factors. Poverty-reducing strategies in the form of social protection, which sets a social minimum package of interventions, are increasingly being seen by policy-makers as key to making significant impacts on the extent and depth of poverty. Aspects of poverty that are perhaps less obvious but must nevertheless be taken into consideration are, first, its relative dimension, and, second, its dynamic rather than static character—which means that not only can people find themselves descending into deeper levels of poverty, but can also move, perhaps repeatedly, into and out of poverty (Taylor, 2010).

The policy frameworks and social protection measures that aim to respond to the multiple deprivations of the poor must take into account not only »headline« poverty data but also the degree of »churn« or turnover within the poor population. High levels of poverty in all

its forms nevertheless remain persistent. Recent studies have shown that the proportion of people living in *working poverty*—as assessed under the US\$1 a day measure—has not improved, and that total poverty (according to this measure) has increased (Chen and Ravallion 2008). However, it is necessary to answer more questions beyond whether consumption has increased and incomes have risen, in order to assess the instrumental role of income and to determine how income is translated into capabilities and poverty reduction at individual and aggregate levels.

Africa, in general, and Southern Africa, in particular, perform very badly when it comes to social protection measures to address the needs of the working poor, the poor, and the socially marginalised. Social protection can add value if it is framed within an approach that puts social justice at its core. In this way, it can be a foundation at a societal level for reducing inter-generational poverty, promoting social equity and social cohesion, developing human capabilities, and generating economic dynamism and social entrepreneurship. It incorporates the possibility of responding to the absolute deprivation and vulnerabilities of the poorest. It also includes responses to the needs of those who experience transient crises and insecurity as a result of downside economic and political risks (Taylor Report 2002 and Report of the Commission on Human Security 2003).

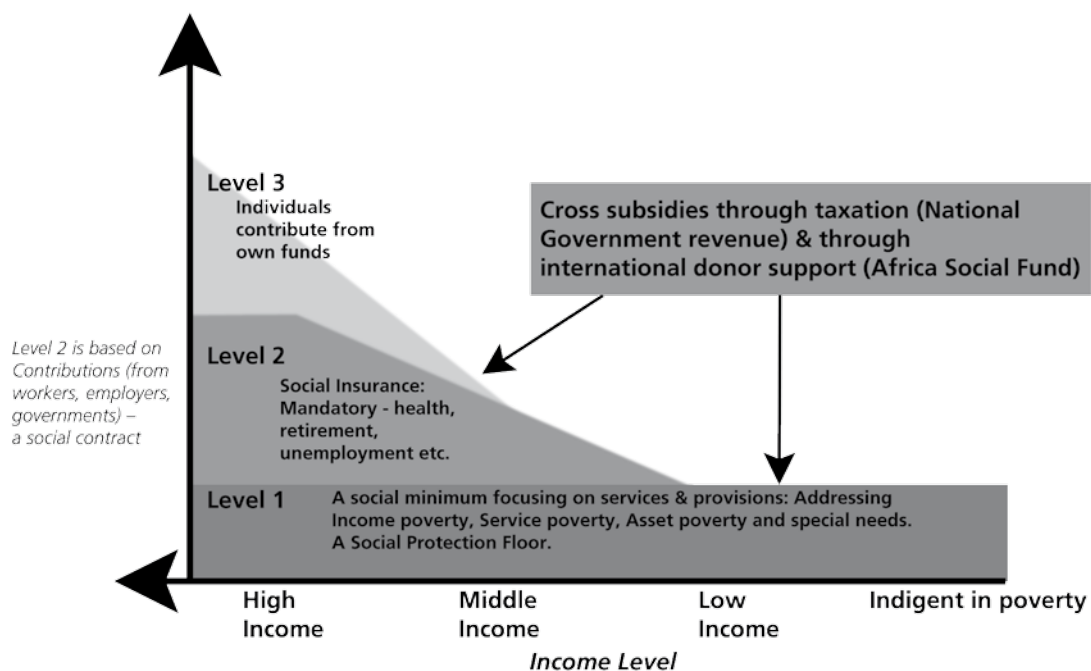
The demographic, social, and economic contexts in the region call for an urgent agenda that can advance social justice in a progressive way. Establishing a *social protection floor* or a social minimum may seem particularly difficult in times of acute economic and social stress characterised by situations of chronic poverty, internal conflict, and sudden economic downturns. However, there is ample evidence to show that even with relatively low income and limited resources, a government that guarantees a social minimum level of primary expenditures—including social services such as water sanitation, education, and health care together with social transfers in cash or kind—can achieve remarkable results in terms of the expansion of human capabilities and development.

A Policy Agenda that Advances Social Justice

Social Protection as a Guaranteed Social Minimum

Used to achieve optimal social and economic objectives, the first level of social protection (refer to figure 1 below) could become a guaranteed social minimum within a human rights approach that protects and empowers all—but especially the most indigent—to move out of poverty. Figure 1 also illustrates how this first level could

Figure 1: Achieving a Social Minimum as a Foundation for Social Justice and Inclusion



Source: Adapted from Taylor, 2008:19 in An Overview of Social Protection Challenges in Africa : Report prepared for the African Union, Ethiopia and original version cited in Department of Social Development (Government of Republic of South Africa - Pretoria) submission in 2004.

become a springboard that progressively promotes social inclusion of all. Using both government subsidies and international donor support, both levels one and two can ensure that in each country a social minimum is advanced, which responds to different forms of poverty and reduces inequality. At the third level, social insurance measures and other discretionary provisions could also be available for those who have the means to contribute to their own social protection or to additional measures without any government subsidies. Importantly, this figure shows that just as social insurance rests on risk pooling of members and the principles of social solidarity and cross subsidies, each level rests on operating principles that are essential for a basic minimum package of social protection for all.

There are a number of principles that inform a deliberative policy agenda to advance social protection and social justice.

Human Rights

Advancing social protection within a human rights approach will make a qualitative contribution to existing initiatives underway to reduce poverty, inequality, and to meet the Millennium Development Goals (MDGs). The African Charter on Human Rights as well as Article 22 of the Universal Declaration of Human Rights enshrine the right to social security. The International Covenant on Economic, Social, and Cultural Rights also incorporates this right in Article 9² and the Convention on the Rights of the Child places specific emphasis on the right of children to social security in Article 26.³ Together they offer a multidimensional approach to social protection and to ensuring a social minimum.

2. Articles 22 and 25 of the Universal Declaration of Human Rights («Everyone, as a member of society, has the right to social security»); the Convention on the Rights of the Child (art 26); the ILO Convention no. 102 (Minimum Labour Standards); the International Covenant on Economic, Social, and Cultural Rights; and others refer to elements of social protection and social security as human rights.

3. See also other articles: Article 18. 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible; Article 26. 1. States Parties shall recognise for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right in accordance with their national law; Article 26. 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Enabling Macro Policy Environment

In adopting a human rights approach, countries would need to advance a social protection agenda that gives effect to rights and entitlements of citizens to social protection. A rights-based approach to social protection requires an enabling macro policy environment to ensure that all citizens are able to meet their fundamental human needs. Moreover, legislation and regulations that guide the programme design and implementation and monitoring of social protection would need to be consistent with the rights and international commitments agreed to by governments.

Macro-economic policies and trade policies need to go beyond concerns related to stabilisation. Compelling research evidence shows that when economic and social policy objectives are designed to work together, they have the potential to stimulate local economic development and improve living standards. An enabling macro policy framework that integrates social and economic objectives could lay the basis for the progressive and phased realisation of the right to social protection in all counties in the region.

Political Will and Commitment

Adopting the values and principles of a human rights framework for social protection implies that if a right exists, governments have an obligation to make sure it is fulfilled. In a region where the resources to redress rights are limited and where even material resources such as food is scarce, the political will and commitment to actualise rights to social protection become critical. Realising the right to basic social protection requires an understanding of the core components of social protection, its specific and general social and economic functions, and its programmes.

Since social protection includes many stakeholders such as civil society organisations, community self-help and mutual support networks, the private business sector, international and national development partners and donors, institutional space needs to be created to ensure organised participation in all processes. Political will and commitment to create such space is essential in the promotion of social consensus around measures to achieve distributive justice. The roles and responsibilities

of the various stakeholders in helping to secure, protect, promote, or ensure social protection and their relation to the state would also need to be specified.

Optimal Policy Outcomes

Countries that have introduced social transfers in the form of cash benefits are beginning to see results in terms of the primary objectives of reducing destitution and deprivation of the poorest as well as development gains in increasing levels of consumption and productivity. In addition, the highly labour-intensive nature of health care and basic education make such expenditures comparatively cheap in the early stages of economic development—when labour costs are low—with the rewards going well beyond the direct enhancement of quality of life and also including improved productive capabilities that can greatly facilitate the process of economic expansion on a widely shared basis.

Access to Resources and other Means

African governments clearly have the historical base, the political mandate, and the social and economic imperatives to expand existing social provisions to provide comprehensive basic social protection measures to the vulnerable and poor. However, while national governments may have the commitment to promote social protection, they also require the means to implement programmes. Access to resources that safeguard and ensure a social minimum for Africa's poorest people requires concerted action at both regional and global levels. It may also require governments to redirect existing resources and to develop partnerships with international and national donors to ensure long-term sustainability of resources for social protection.

Social Solidarity and Cross-Subsidisation

In large parts of Africa, intergenerational solidarity to sustain social protection is being eroded because of the impact of HIV/AIDS, labour market trends with younger and new entrants into the labour market unable to find formal waged work, and changes in production patterns as an outcome of globalising processes. Interdependence of societies, of countries, and of peoples means

that social solidarity and subsidiarity as principles have wider relevance. These principles could, for example, require governments, the private sector, and individual citizens to uphold values of cross-subsidies/subsidiarity across income categories, across race/ethnic categories, gender, age, and other divides to promote social solidarity and social equity.

The principle of subsidiarity would thus have both a normative aspect in ensuring all who need social protection are able to access it, and an operational or institutional dimension in ensuring cross-subsidies from the rich to the poor within countries and also between countries.

Financial and Institutional Sustainability


The design and development of social protection systems requires a coherent policy framework that includes long-term strategies. Implementing long-term strategies in a phased approach based on transparency and democratic governance with multiple stakeholders enhances institutional sustainability. A set of measures to ensure effective oversight and financial controls of programmes is also an important guiding principle.

Reducing Vulnerability and Poverty

Social protection with its multidimensional focus is responsive to those who are experiencing absolute deprivation and those who are vulnerable because of age (children and the elderly), gender discrimination (women and girls are under-represented in social insurance schemes), health, and disabilities. Social protection also incorporates measures for those who are at risk of falling into poverty because of disasters and financial crises.

Gender Equity and Women's Economic Empowerment

High maternal mortality rates and low school attendance by girls indicate that barriers to access health and education are real and influence the life choices of girls and women in multiple ways. The removal of these barriers is vital to the promotion of gender equity. On the economic front, women tend to be a dominant group in the informal economy and in unwaged care work making



their livelihoods insecure. Women with low-level casual jobs with little income are precluded from contributing to social insurance. Access to health care and education, to regular waged work, and to productive opportunities can reduce institutional and structural inequalities and promote women's empowerment.

Adequacy of Coverage

Low coverage of those in greatest need, as well as means testing and categorical targeting (e.g., the elderly and the disabled) act as barriers to social protection. They also promote social exclusion and disaffection. Governments need to ensure that a basic package of social measures is available and accessible to those who need it and is adequate to enable individuals and households to use these measures as a springboard out of poverty.

Conclusion: A Socially Acceptable Minimum to Generate Sustained Development

In taking a human rights approach to social protection, African countries are beginning to reach consensus on what constitutes a socially acceptable minimum package of social protection below which no one should fall. Agreeing on a social minimum for people may seem particularly difficult in times of acute economic and social stress characterised by situations of chronic poverty, internal conflict, and sudden economic downturns. Yet there is enough evidence that shows even with relatively low income and limited resources, states that guarantee a social minimum on primary expenditures such as access to economic activity, education, social transfers and services, and health care can achieve remarkable results in the expansion of human capabilities and economic development (Sen 1999). Moreover such a deliberate policy choice could have a transformative function with social justice at its core.

A transformative policy agenda focuses on reducing inequities and vulnerabilities through changes in policies, laws, budgetary allocations, and redistributive measures. The aim is to ensure social, economic, and political inclusion of the poorest by removing barriers and reinforcing access to rights.



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